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DISTRICT OF NEVADA		
BY:	DEPUTY	

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6 *Attorneys for the United States*

7 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 ALAN RAY,

12 Defendant.

13 Case No. 2:20-mj-1098-VCF

14 ORDER to Continue the Preliminary  
 Hearing (Second Request)

15 It is hereby stipulated and agreed, by and between Nicholas A. Trutanich, United  
 16 States Attorney, through Jim W. Fang, Assistant United States Attorney, and Kathryn  
 17 Newman, Assistant Federal Public Defender, counsel for Defendant, that the preliminary  
 18 hearing in the above-captioned matter, previously scheduled for January 26, 2021, at 4:00  
 19 p.m., be vacated and continued until a time convenient to the Court, but no earlier than 30  
 20 days from the current setting.

21 1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the  
 22 defendant’s consent and upon a showing of good cause—taking into account the public  
 23 interest in the prompt disposition of criminal cases—a magistrate judge may extend the time  
 24 limits [for preliminary hearings] one or more times.” Here, the parties desire to explore the

1 potential to resolve this matter before defendants are formally charged by a criminal  
2 indictment.

3       2. In that regard, the government has provided defense counsel with limited  
4 Rule 16 discovery in order to facilitate pre-indictment resolution. Defense counsel needs  
5 additional time to review the discovery and discuss the case with her client prior to a  
6 preliminary hearing or indictment. The parties are also engaged in ongoing negotiations to  
7 resolve this matter pre-indictment.

8       3. This continuance is not sought for the purposes of delay, but to allow defense  
9 counsel an opportunity to examine the merits of this case before a potential resolution can  
10 be reached between the parties.

11       4. Defendant is in custody and agrees to the continuance.

12       5. Denial of this request could result in a miscarriage of justice, and the ends of  
13 justice served by granting this request outweigh the best interest of the public and the  
14 defendants in a speedy trial.

15       6. The additional time requested by this stipulation is excludable in computing  
16 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.  
17 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

18                     DATED this 25th day of January, 2021.

19                     NICHOLAS A. TRUTANICH  
20                     United States Attorney

21                     *s/ Jim W. Fang*  
22                     JIM W. FANG  
23                     Assistant United States Attorney  
24                     Counsel for the United States

21                     *s/ Kathryn Newman*  
22                     KATHRYN NEWMAN  
23                     Assistant Federal Public Defender  
24                     Counsel for Defendant

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

Case No. 2:20-mj-1098-VCF

ALAN RAY,

## **FINDINGS AND ORDER**

Defendant.

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The parties desire to continue the preliminary hearing to facilitate pre-indictment resolution, and the government has provided defense counsel with limited Rule 16 discovery for that purpose. Defense counsel needs additional time to review the discovery and discuss the case with her client prior to a preliminary hearing or indictment. The Court finds good cause to continue the hearing to allow the parties to reach a pre-indictment resolution.

2. Both counsel for defendant and counsel for the government agree to the continuance.

3. Defendant is in custody and agrees to the continuance.

4. The continuance is not sought for the purposes of delay, but to allow defense counsel an opportunity to examine the merits of this case before a potential resolution can be reached between the parties.

1       5. Denial of this request could result in a miscarriage of justice, and the ends of  
2 justice served by granting this request outweigh the best interest of the public and the  
3 defendants in a speedy trial.

4       6. The additional time requested by this stipulation is excludable in computing  
5 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.  
6 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

7       THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the  
8 above-captioned matter, previously scheduled for January 26, 2021, at 4:00 p.m., be vacated  
9 and continued to March 4, 2021 at 4:00 PM in LV Courtroom 3D before Magistrate Judge Cam Ferenbach.

10      DATED this 25 day of January, 2021.



11  
12      HONORABLE CAM FERENBACH  
13      UNITED STATES MAGISTRATE JUDGE  
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